

JAN 07 2011

Application No. 09/845,396
Reply to Office Action of July 7, 2010

PATENT
Attorney Docket No. CU-8502

REMARKS / ARGUMENTS**A. Summary of the Amendments**

The present application contains twelve (12) claims, numbered 117-128.

Claims 1-116 were previously cancelled.

Claims 117-119, 123 and 124-128 have been amended to correct minor informalities in the language of the claims detected by the Applicant. The Applicant believes that the amendments made should not necessitate an additional search. In particular:

Claim 117, element b. has been amended to replace the expression "database" by --database record--;

Claims 117-119 have been amended to replace the expression "on the basis of" by the expression --based on--;

Claim 123 has been amended to replace the expression "the Internet" by the expression --a public data network--;

Claims 124 and 125 have been amended to replace the expression "I/O" by --communication port--;

Claim 124 has been amended to replace the expression "an Internet browser" by the expression --a browser--;

Claims 124, 126 and 127 have been amended to replace the expression "on the basis of" by the expression --based on--;

Claim 128 has been amended to replaced the term "credentials'" by --credentials-- (the apostrophe was removed).

It is believed that no new matter has been added by way of the present amendment.

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B. General

On page 2 of the Office Action the Examiner indicates that the status of claim 128 is unclear as it was not included within the claim set submitted in the response dated April 6, 2010. However, it was not indicated in the response that this claim was cancelled. The Applicants submit that claim 128 was omitted from the listing of claims in the response dated April 6, 2010 by error. In the present response, claim 128 has been included in the listing of claims and has been labeled as "currently amended". The Applicants would like to thank the Examiner for bringing this discrepancy to their attention.

C. Summary of Rejection and Reply

In the Office Action dated January 6, 2010, the Examiner rejected all claims that were pending at that time under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 7,206,768 (hereinafter deGroeve) in view of U.S. Patent No. 6,363,421 (hereinafter Barker). In order to address the Examiner's concerns, the Applicant amended the claims, now comprising claims 117-128, and submitted arguments in a reply submitted on April 6, 2010.

In the present Office Action, the Examiner appears to concede that the combination of deGroeve and Barker failed to render obvious the subject matter of claims 117-128. However, she now rejects all claims under 35 U.S.C. § 103(a) as being unpatentable over the combination of deGroeve and Barker in further view of U.S. Pat. No. 6,031,535 (hereinafter Barton).

The Applicant respectfully disagrees for the reasons presented below.

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Claim 117

The Applicant directs the Examiner's attention to Claim 117 [emphasis added]:

117. A process for online invoice presentment and processing, comprising:
- a. generating at a biller entity a database record, the database record containing a plurality of data elements related to an invoice for a service rendered to a customer entity, the data elements including:
 - i. an invoice number data element;
 - ii. amount billed data element;
 - iii. date of the invoice data element;
 - iv. invoice approval status data element;
 - v. invoice payment authorization status data element;
 - b. electronically transmitting a plurality of the data elements from the database record to a remote computer unit associated with the customer entity;
 - c. receiving at the remote computer unit user credentials data supplied by a user;
 - d. processing the data elements with the computer unit and rendering an image of the invoice at a display of the computer unit to provide the user with a visual representation of the invoice;
 - e. providing at the computer unit a dynamically adaptable user interface, the user interface having at least two selectively deactivatable input options, wherein:
 - i. a selection of the first input option indicating that the user at the computer unit has approved the invoice;
 - ii. a selection of the second input option at the computer unit indicating that the user has authorized payment of the invoice;
 - f. **while the user is provided with a visual representation of the invoice, selectively deactivating:**
 - i. **the first input option based on the user credentials data when the user credentials data indicates that the user does not possess invoice approval privileges;**
 - ii. **the second input option based on the user credentials data when the user credentials data indicates that the user does not possess payment authorization privileges;**
 - iii. **the second input option based on information in the invoice approval status data element, wherein the information in the invoice approval status data element indicates that the invoice has not been approved;**
 - g. in response to selection by the user of the first input option, transmitting data from the computer unit to the database to modify the invoice approval status data element to indicate that the payment of the invoice has been approved.

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The Applicant submits that the subject matter of claim 117 is neither disclosed nor suggested by the documents relied upon by the Examiner in the Office Action mailed July 7, 2010.

Before discussing the reasons for which the Applicant believes the claimed invention is not rendered obvious by deGroeve, Barker and Barton, a summary of these references is presented below in order to establish the scope and content of the references relied upon.

As previously described by the Applicant in the response submitted on April 6, 2010, deGroeve discloses an invoice approval/confirmation system where the invoices can be viewed only if certain processing steps have been initially performed on the invoice. Specifically, a user that has invoice confirmation privileges is allowed to view the invoice only if the invoice has previously been approved. In this fashion, a user cannot prematurely confirm an invoice. Invoices that can be confirmed are only those that can be seen, and for an invoice to be seen it must have been previously approved. Accordingly, deGroeve discloses a mechanism that deals with the potential problem of premature invoice confirmation (i.e., confirmation before the invoice has been approved) that operates by controlling access to the invoice. The invoice is made visible to a user only when it is appropriate for that invoice to be confirmed.

Turning now to Barker, and as has been previously noted in the response submitted on April 6, 2010, Barker relates to "a telecommunication network and more particularly to managing network elements of the telecommunications network." (Column 1, lines 7-9). Amongst others, Barker describes security functionality which provides a method of client based **access control of network elements**, maintenance units and operations on network elements/maintenance units. Accordingly to this functionality, a client application must register with the server upon startup by providing

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identification of the client host, port, client, and a password (Column 30, lines 45-50). It is to be noted that Barker is completely unrelated to the processing of invoice handling and does not in any way mention or address the challenges associated with having multiple stages and individuals in the processing of an invoice. Rather the security functionality referred to in Barker has to do with maintenance operations for the telecommunications system and the deactivation of certain menu elements to restrict access to certain operations based upon an identification of a particular client.

Turning now to Barton, which was newly cited by the Examiner in the Office Action of July 7, 2010, it is noted that Barton relates to a method and apparatus for controlling a graphical array of buttons in a graphical user interface (GUI). Barton is particularly concerned with the relationship between the statuses of multiple buttons in a GUI and describes a method and apparatus for controlling the status of buttons based on previous button selections by a user in a graphical user interface [Abstract]. Barton describes the need for relating choices made from one "bank" of buttons to the choices available in other banks of buttons so that a prior choice made in one bank would make particular choices in other banks infeasible and thus these buttons should be unselectable. Barton also describes that current software conveys that a choice is unselectable by "graying out" the button or menu item [See Column 1, lines 28-35]. It is to be noted that Barton is completely unrelated to the processing of invoice handling and does not in any way mention or address the challenges associated with having multiple stages and individuals in the processing of an invoice. Rather Barton is merely concerned with the control of a graphical array of buttons in a graphical user interface (GUI).

Now that the scope and content of the references relied upon by the Examiner in the present case has been summarized, we now turn to the present application.

The present application describes a system and method for facilitating online commerce over a public network. One of the challenges discussed in the present

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application is how to facilitate the online processing of invoices in situations in which there are separate invoice approval and invoice authorization stages at the customer end and in which different individuals handling invoices on behalf of the customer have respective invoice handling privileges. In the invention claimed in claim 117, functionality is provided for addressing this challenge in part by way of a dynamically adaptable user interface having at least two selectively deactivatable input options for performing invoice "approval" and "authorization". The input options can each be selectively deactivated depending on certain conditions being met and are used to prevent premature or inappropriate actions on the invoice, while the invoice remains visible to the user. For instance, a first input option (for indicating invoice approval) can be deactivated based on the user credentials data when the user credentials data indicates that the user does not possess invoice approval privileges. A second input option (for indicating invoice payment authorization) can be deactivated i) based on the user credentials data when the user credentials data indicates that the user does not possess payment authorization privileges; and ii) based on information in the invoice approval status data element, wherein the information in the invoice approval status data element indicates that the invoice has not been approved. In this fashion, a user can still view the invoice but the user cannot approve/authorize the invoice unless appropriate to do so. This can be advantageous for a number of different reasons, for example a user may need to look at the invoice for a reason unrelated to the approval/authorization process.

The Applicant is of the view that combining the teachings of deGroeve, Barker and Barton would not render obvious the invention claimed in claim 117 for a number of reasons.

Firstly, there is nothing to suggest modifying the teachings of deGroeve in light of Barker and/or Barton since neither Barker nor Barton pertain to a field of art that is analogous to that of the claimed invention and neither one is relevant to the same problem as that addressed by the claimed invention.

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The present application relates to the field of online commerce and more specifically to a system and method for conducting online processing of an invoice. An issue/problem discussed is that of facilitating the online processing of invoices in situations in which there are distinct invoice handling stages at the customer end (e.g. an invoice approval stage and an invoice authorization stage) and in which different individuals handling invoices on behalf of the customer can have respective invoice handling responsibilities/privileges.

On the other hand Barker relates to "a telecommunication network and more particularly to managing network elements of the telecommunications network." (Column 1, lines 7-9). Barker is totally unrelated to the processing of invoice but rather provides security functionality for controlling access to maintenance operations for a telecommunications system, and for deactivating certain menu elements to restrict access to certain operations based upon an identification of a particular client. Barker is also not relevant in any way to the problem that is of concern in the present application, which is how to facilitate the online processing of invoices in situations in which there are distinct invoice handling stages at the customer end (e.g. an invoice approval stage and an invoice authorization stage) and in which different individuals handling invoices on behalf of the customer can have respective invoice handling responsibilities/privileges. There is simply nothing to suggest why and how Barker could be used to facilitate online processing of invoices. It is also unclear why a person of ordinary skill in the art of invoice processing would look to Barker, which is neither in the same field of art as the present invention nor is concerned with a similar problem as that address by the claimed invention.

Turning now to Barton, it is noted that this reference describes a method and apparatus for controlling a graphical array of buttons in a graphical user interface (GUI). Barton is completely unrelated to the processing of invoices. In addition, Barton is not at all relevant to the problem that is of concern in the present application. There is

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nothing to suggest how Barton could be used to facilitate online processing of invoices.

It is evident that neither Barker nor Barton relate to invoice processing nor to a field analogous thereto. Moreover, it is also evident that neither Barker nor Barton is reasonably pertinent to the problem at issue in the present application, namely of how to facilitate the online processing of invoices.

As such, the Applicant submits that a person skilled in the art of invoice processing having knowledge of deGroeve, when faced with the problem of how to facilitate online processing of invoices in situations in which there are distinct invoice handling stages at the customer end and in which individuals can have respective invoice handling responsibilities/privileges, would not look to Barker and Barton to find a solution to this problem. **There is simply nothing to suggest this.**

Reply to the Examiner's argument

On page 7 the Office Action argues that deGroeve, Barker and Barton represent analogous art within the field of providing user interfaces for providing business functions.

It is unclear to the Applicant what the Examiner means by the term "business function". The Examiner appears to be arguing that any reference which refers to user interfaces and that could potentially be used in a business environment would be analogous prior art to the field of the present invention, namely invoice processing.

The Applicant submits that this is not reasonable. More specifically, the Applicant would like to point out that tools used for processing invoices, such as is the case for the present application, are completely different from tools for managing network elements of a telecommunications network, such as in Barker. Both the purpose, nature and even the target users of such tools are different. For example, a

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user of a tool for managing network elements would be a person in the IT department while a user of a tool for managing invoices would be a person in an accounting function.

Rather, as indicated above, the present application relates to the field of online commerce and more specifically to a system and method for conducting online processing of an invoice. Neither Barton nor Barker relate to invoice processing nor to a field analogous thereto. In addition, neither Barton nor Barker is reasonably pertinent to the problem at issue in the present application, namely of how to facilitate the online processing of invoices, in order to be considered as being analogous art.

In light of the reasons set forth above, the Applicant submits that it is improper to consider the teachings of Barton and Barker when assessing whether the claimed invention is non-obvious.

Since deGroeve on its own does not render obvious the subject matter of claim 117 and since, as submitted by the applicant, the teachings of Barton and Barker should not be considered, it is submitted that the subject matter of claim 117 is neither anticipated nor rendered obvious by the art cited by the Examiner.

Secondly, even if deGroeve, Barker and Barton could be combined, the combination would fail to result in a process including providing a dynamically adaptable user interface having at least two selectively deactivatable input options, wherein one of the input options is for indicating that the user has authorized payment of the invoice, while the user is provided with a visual representation of the invoice, selectively deactivating the one of the input option based on the user credentials data when the user credentials data indicates that the user does not possess payment authorization privileges and based on information indicating that the invoice has not been approved.

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It is submitted that deGroeve fails to teach or suggest that while the user is provided with a visual representation of the invoice, an input option for indicating that the user has authorized payment of the invoice is selectively deactivated based on:

- the user credentials data (when the user credentials data indicates that the user does not possess payment authorization privileges); **and**
- based on information indicating that the invoice has not been approved.

In order to remedy the deficiency of deGroeve, the Examiner relies in part on Barker to argue that the combination of deGroeve and Barker teaches deactivating options on the basis of user credential data. The specific section of Barker relied upon by the Examiner is column 30, lines 45-50, which read as follows:

This functionality provides a method of client based **access control** of network elements, maintenance units and operations on network elements/maintenance units. Upon startup, a client application must register with the server by providing identification of the client host, port, client, and a password.

The Applicant would like to point out that as has previously been observed, deGroeve already has a mechanism to prevent premature invoice confirmation which works by restricting access so the invoice cannot be viewed. It is not clear why a person skilled in the art would replace this access control system by the access control system of Barker. Applicant and the undersigned respectfully submit that the only "suggestion" to do so is found in Applicant's application. This is a form of hindsight of which the law disapproves. *KSR International v. Teleflex Inc. et al.*, 127 S.Ct. 1727, 1742 (2007). ("A fact finder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments relying upon *ex post* reasoning."); *Graham v. John Deere Co.*, 383 U.S. 1, 36 (1966) (warning against a "temptation to read into the prior art the teachings of the invention in issue" and instructing courts to "guard against slipping into the use of hindsight."); *Orthopedic Equip. Co. v. United States*, 702 F.2d 1005, 1012 (Fed. Cir. 1983) ("It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the

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right way so as to achieve [a desired result]."). Such approaches are disfavored, as "[c]asting an invention as 'a combination of old elements' leads improperly to an analysis of the claimed invention by the parts, not by the whole." *Custom Accessories v. Jeffrey-Allan Indus., Inc.* 807 F.2d 955, 959 (Fed. Cir. 1986).

Second, the combination of deGroeve and Barker does not teach or suggest an input option for indicating that the user has authorized payment of the invoice being selectively deactivated based on information indicating that the invoice has not been approved. As indicated above, deGroeve prevents premature invoice confirmation which works by restricting access so the invoice cannot be viewed. Barker provides security functionality for controlling access to maintenance operations for a telecommunications system and for deactivating certain menu elements to restrict access to certain operations based upon an identification of a particular client. Neither deGroeve nor Barker prevent authorization of payment of an invoice by selectively deactivating an input option based on information indicating that the invoice has not been approved. That is simply not there.

Third, the combination of deGroeve and Barker does not teach or suggest an input option for indicating that the user has authorized payment of the invoice being selectively deactivated based on both information indicating that the invoice has not been approved and the user credentials data. That is also completely absent.

Fourth, the combination of deGroeve and Barker also leaves open the question of allowing the invoice to be viewed when the menu items are deactivated. deGroeve's system is clearly based on restricting access to an invoice by certain users. Barker states quite clearly in the text relied upon by the Examiner and the text which follows immediately after, that the functionality to which the Examiner refers is a form of "access control." This is clear in that, since the menu items are deactivated, access to the screens or operations under the deactivated menu element is denied to some clients. In the present invention, access to an invoice is granted, even to a user who is

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not authorized to approve the invoice or authorize payment of the invoice. Even if one of skill in the art for some reason decided to modify deGroeve by the teachings of Barker (which Applicant denies would occur), Barker would teach denial of access to invoices based upon the credentials of the user. Thus, the resulting combination will still not result in a system that allows a user to view the invoice that he/she cannot approve or authorize due to lack of privileges or because the invoice has still not been approved.

In this regard, it is noted that Barker deactivates menu options which control access to "maintenance operations that are not allowed." (Column 30, line 55). In contrast, the claims of the present application selectively deactivate first and second input options which (when activated) allow for the taking of specific actions regarding the information that is being displayed to the user. This distinction simply highlights the fact that both deGroeve and Barker are directed to alternative forms of "access control," while the claims of the present application are not. This is a difference in functionality. In combining known elements in the prior art, it is not proper to ignore the function performed by the different elements in different contexts. *KSR International* at 1740 (2007) citing *Sakraida v. AGPro, Inc.*, 425 U.S. 273, 96 S.Ct. 1532 (1976).

In view of the above, it is submitted that the combination of deGroeve and Barker fails to teach or suggest a process including providing a dynamically adaptable user interface having at least two selectively deactivatable input options, the process being such that while the user is provided with a visual representation of the invoice, an input option for indicating that the user has authorized payment of the invoice is selectively deactivated based on:

- the user credentials data (when the user credentials data indicates that the user does not possess payment authorization privileges); and
- based on information indicating that the invoice has not been approved.

With reference to Barton, the Applicant submits that Barton fails to remedy the

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above identified deficiencies of Barker and deGroeve.

In light of the above, it is submitted that the subject matter of claim 117 is neither anticipated nor rendered obvious by the art cited by the Examiner.

Thirdly, combining deGroeve, *Barker and Barton* in such a way as to obtain the invention claimed in claim 117 would necessarily require modifications that would rely on knowledge gleaned from the Applicant's disclosure, which is impermissible.

The Applicant submits that, in the present case, the Examiner may have inadvertently re-constructed the claimed invention by picking and choosing from the references certain elements and has combined them using the teachings and/or suggestions presented in the present application.

It is noted that one cannot pick and choose arbitrarily and conveniently how elements from disparate references are to be combined. Rather, when considering multiple references, elements of the reference are to be combined taking into account only knowledge which was within the level of ordinary skill at the time of the claimed invention. The Examiner's attention is respectfully directed to the case of *In re Wasslau* 353 F.2d 238, 147 USPQ 391 (CCPA 1965), which states that "it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art."

The Applicant respectfully submits that the Examiner is doing exactly what *In re Wasslau* warns against, which is to pick and choose from the reference only so much of it as will support his position. For instance, picking from deGroeve an invoice approval/confirmation system, from Barker the denial of access based on user credentials and from Barton the control of radio buttons on a graphical user interface,

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while there is no motivation in any of these documents for such selections to be made. Moreover, the fact that neither Barker nor Barton relate to invoice processing nor to a field analogous thereto and that neither on is reasonably pertinent to the problem at issue in the present application adds weight to the argument that the Examiner may have, inadvertently, made use knowledge gleaned from the Applicant's disclosure to reconstruct the claimed invention.

The Applicant submits that a person skilled in the art of invoice processing and having knowledge of deGroeve, when faced with the problem of how to facilitate online processing of invoices in situations in which there are distinct invoice handling stages at the customer end and in which individuals can have respective invoice handling responsibilities/privileges, would not look to Barker and Barton to find a solution to this problem.

The Applicant submits, with respect, that in order to modify the teachings of deGroeve based on Barker and Barton in such a way as to yield the claimed invention, use of knowledge gleaned from the Applicant's disclosure would be required, and hence any reconstruction on that basis would be improper.

In light of this, the Applicant respectfully submits that the Examiner has incorrectly combined the teachings of the references cited in order to arrive at the claimed invention.

Although the Applicant appreciates that any judgment on obviousness is in a sense necessarily a reconstruction based on hindsight reasoning, the Examiner is reminded that for such a reconstruction to be considered proper, it should only take into account knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and should not include knowledge gleaned only from applicant's disclosure. (see *In re McLaughlin* 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971)).

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For any and all of the above reasons, it is respectfully submitted that Claim 117 is allowable over the references of record, including deGroeve, Barker and Barton.

Claims 118-123

Dependent claims 118-123 depend either directly or indirectly from independent claim 117 and as such incorporate by reference all the limitations contained therein. Accordingly, for the same reasons as those presented above, the Applicant respectfully submits that dependent claims 118-123 are both novel and non-obvious over the references cited by the Examiner, and in condition for allowance.

Claim 124

The Applicant directs the Examiner's attention to Claim 124 [emphasis added]:

124. A computing apparatus, comprising:
- a. a communication port for connection to a data network for receiving and for transmitting data;
 - b. a processor;
 - c. a machine readable storage including program code for execution by the processor;
 - d. a display
 - e. the program code implementing:
 - i. a browser element allowing a user at the computing apparatus to access a web site which renders on the display an image of the invoice to provide the user with a visual representation of the invoice;
 - ii. a dynamically adaptable user interface, the user interface having at least two selectively deactivatable input options, wherein:
 - 1. a selection of the first input option indicating that the user at the computing apparatus has approved the invoice;
 - 2. a selection of the second input option at the computing apparatus indicating that the user has authorized payment of the invoice;
 - iii. **while the image of the invoice is rendered on the display, the dynamically adaptable user interface selectively deactivating:**

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1. the first input option based on user credentials data entered by the user at the computing apparatus, when the user credentials data indicates that the user does not possess invoice approval privileges;
2. the second input options based on the user credentials data when the user credentials data indicates that the user does not possess payment authorization privileges;
3. the second input option based on data received via the communication port from a remote database indicating that the invoice has not been approved.

The Applicant submits that the subject matter of claim 124 is neither disclosed nor suggested by the documents relied upon by the Examiner in the Office Action mailed July 7, 2010.

Firstly, there is nothing to suggest modifying the teachings of deGroeve in light of Barker and/or Barton since neither Barker nor Barton pertain to a field of art that is analogous to that of the claimed invention and neither one is relevant to the same problem as that addressed by the claimed invention.

Since deGroeve on its own does not render obvious the subject matter of claim 124 and since, as submitted by the applicant, the teachings of Barton and Barker should not be considered, it is submitted that the subject matter of claim 124 is neither anticipated nor rendered obvious by the art cited by the Examiner.

Secondly, even if deGroeve, Barker and Barton could be combined, the combination would fail to result in a process including providing a dynamically adaptable user interface having at least two selectively deactivatable input options, wherein one of the input options is for indicating that the user has authorized payment of the invoice, while the user is provided with a visual representation of the invoice, selectively deactivating the one of the input option based on the user credentials data when the user credentials data indicates that the user does not possess payment authorization privileges and based on

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information indicating that the invoice has not been approved.

As argued above, it is submitted that the combination of deGroeve and Barker fails to teach or suggest a dynamically adaptable user interface having at least two selectively deactivatable input options, the process being such that while the user is provided with a visual representation of the invoice, an input option for indicating that the user has authorized payment of the invoice is selectively deactivated based on:

- the user credentials data (when the user credentials data indicates that the user does not possess payment authorization privileges); and
- based on information indicating that the invoice has not been approved.

With reference to Barton, the Applicant submits that Barton fails to remedy the above identified deficiencies of Barker and deGroeve.

In light of the above, it is submitted that the subject matter of claim 124 is neither anticipated nor rendered obvious by the art cited by the Examiner.

Thirdly, combining deGroeve, *Barker and Barton* in such a way as to obtain the invention claimed in claim 124 would necessarily require modifications that would rely on knowledge gleaned from the Applicant's disclosure, which is impermissible.

The Applicant submits that a person skilled in the art of invoice processing and having knowledge of deGroeve, when faced with the problem of how to facilitate online processing of invoices in situations in which there are distinct invoice handling stages at the customer end and in which individuals can have respective invoice handling responsibilities/privileges, would not look to Barker and Barton to find a solution to this problem.

The Applicant submits, with respect, that in order to modify the teachings of

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deGroeve based on Barker and Barton in such a way as to yield the claimed invention, use of knowledge gleaned from the Applicant's disclosure would be required, and hence any reconstruction on that basis would be improper. In light of this, the Applicant respectfully submits that the Examiner has incorrectly combined the teachings of the references cited in order to arrive at the claimed invention.

Although the Applicant appreciates that any judgment on obviousness is in a sense necessarily a reconstruction based on hindsight reasoning, the Examiner is reminded that for such a reconstruction to be considered proper, it should only take into account knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and should not include knowledge gleaned only from applicant's disclosure. (see *In re McLaughlin* 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

For any and all of the above reasons, it is respectfully submitted that Claim 124 is allowable over the references of record, including deGroeve, Barker and Barton.

Claims 125-128

Dependent claims 125-128 depend either directly or indirectly from independent claim 124 and as such incorporate by reference all the limitations contained therein. Accordingly, for the same reasons as those presented above, the Applicant respectfully submits that dependent claims 125-128 are both novel and non-obvious over the references cited by the Examiner, and in condition for allowance.

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that all rejections and objections raised by the Examiner have been addressed and overcome by the present response and each of pending claims 117-128 is in condition

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for allowance. Allowance of claims 117-128 and issuance of the Notice of Allowance are respectfully solicited.

The Examiner is invited to call the Applicant's undersigned representative if any further amendments will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present response. If the claims of the application are not believed to be in full condition for allowance, for any reasons, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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Brad A. Wilson, Reg. No. 59,462
Ladas & Parry
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300